

MEMORANDUM

TO: Members, Clark Fork Basin Water Management Task Force
FROM: Gerald Mueller
SUBJECT: Summary of the August 8, 2005 Task Force Meeting
DATE: August 8, 2005

Participants

The following people participated in the Task Force meeting:

Task Force Members:

Eugene Manley	Granite County
Harvey Hackett	Bitter Root Water Forum
Tim Swant	Avista Corporation
Jim Dinsmore	Upper Clark Fork
Holly Franz	PPL Montana, LLC
Matt Clifford	Clark Fork Coalition
Jay Stuckey	Green Mountain Conservation District/Lower Clark Fork
Verdell Jackson	Legislature
Marc M. Spratt	Flathead Conservation District
Gail Patton	Sanders County

Staff:

Gerald Mueller	Consensus Associates
Mike McLane	Montana Department of Natural Resources and Conservation (DNRC)

Other:

Phil Tourangeau	Confederated Salish and Kootenai Tribes
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Meeting Goal

Reorganize the Task Force for the next biennium.

Meeting Objectives

- Review 2005 legislation that affects the Task Force
- Review the Task Force membership
- Review the draft ground rules
- Begin work plan development
- Discuss budget and funding options
- Set meeting schedule

Review 2005 Legislation

Using the presentation included below as Appendix 1, Gerald Mueller summarized actions by the 2005 Legislature that affected the Task Force. The Legislature passed HB 236, HJR 3, and included funds in the general appropriation bill to support the Task Force. All three efforts were sponsored by Rep. Jackson. HB 236 extended and modified the Task Force mandate, made one change to the membership, and added reporting requirements. HJR 3 directed the DNRC to enter into negotiations with the US Bureau of Reclamation (BOR) to determine the amount and cost of water now stored in Hungry Reservoir for which the state might contract to support existing water use and future water uses in the basin. The funds appropriated for the Task Force was \$25,000 for the biennium.

Task Force Membership

HB 236 made one change to the Task Force membership. The Salish and Kootenai Tribes are no longer designated members; instead, they have a option to be a member should they choose to do so. Section 85-2-350 MCA as amended by HB 236 continues to require that "...all watershed and viewpoints within the basin (be) adequately represented..." on the Task Force. The same sub-basins are set out as in the 2001 law. HB 236 also provided that members serve two year terms, and may be reappointed.

All of the past Task Force members have indicated their willingness to continue to serve. All of the designated watersheds are covered by existing members except for the middle portion of the Clark Fork mainstem from the confluence of the Blackfoot River to the confluence of the Flathead River. Matt Clifford noted that while he was initially designated as a member to represent environmental/conservation interests, he resides in this watershed. The Task Force requested its facilitator to invite a representative of the Mountain Water Company, which supplies water within the City of Missoula, to become a member. Mountain Water could represent the middle Clark Fork mainstem watershed as well as municipal water interests.

Given the Task Force's mandate to report to the EQC and the role that EQC plays in pushing legislation, Mr. Mueller and Mike McLane were asked to identify any current EQC members who reside in the Clark Fork basin and to poll the Task Force about inviting that person to serve on the Task Force.

Mr. Mueller also noted that the DNRC rather than the Montana Consensus Council will be the entity designated by the governor's office to convene and coordinate the Task Force. The change was made because of the reduced funding level for the coming biennium.

The Task Force unanimously agreed to recommend to the DNRC that Mr. Mueller continue to be retained to act as its facilitator.

Draft Ground Rules

The Task Force reviewed the draft ground rules that would guide its activities over the coming biennium. See Appendix 2. The Task Force agreed to two changes in the draft. First, in the purpose statement in paragraph 1.1, reference should be made to the Task Force duty created by passage of HJR3 to hear reports from DNRC about its negotiations with BOR. Second, in line 1.2 A, reference should be added to seeking funding to support the identified alternatives for resolving issues or problems. Mr. Mueller was directed to add these changes to the August 8 draft, and recirculate it to the Task Force for consideration at its next meeting.

Work Plan Development

The Task Force discussed the topics that it should address over the coming biennium. It tentatively agreed to include the following:

HJR3 Negotiations

- The Task Force will seek to identify what information is needed to support the negotiations and a method for obtaining the information.
- The Task Force will seek to participate in the negotiations in some form.
- The Task Force will monitor the progress of the negotiations.
- The Task Force will seek to understand the river model recently adapted by the BOR to the Clark Fork basin and consider how it might be used to support the negotiations.

Basin Ground Water

- The Task Force will seek to act as a co-convenor of a technical conference on the basin's ground water resource. The purpose of the conference would be to identify what is known

- about the basin's ground water, what should be known, and how to fill the data gaps.
- The Task Force will seek to participate in the DNRC committee that is considering ground water/surface water interactions.

Future Legislation

- The Committee will seek to identify legislation needed to address basin water issues for the 2007 session of the Montana Legislature.

Budget and Funding Options

Based on the most recent expenditure data available to him, Mike McLane sketched out the following to begin the Task Force discussion of its budget:

Funds currently available: \$25,000 for the biennium, or \$12,500 per year.

<u>Annual Budget</u>	
Meals	\$1,200
Motels	\$700
Mileage	\$3,400
Printing	\$500
Facilitator	\$9,000
Total	\$14,800

This budget exceeds the available funds by \$2,300 annually, and therefore needs to be adjusted.

The Task Force agreed that it should seek funding, perhaps through a Watershed Assistance grant for both Task Force administration and to fund participation in the ground water conference. Another possible purpose for additional funding would be to support Task Force participation in the BOR negotiations. Mr. Mueller and Mr. McLane were asked to explore the possibility of a Watershed Assistance grant.

Next Steps

- Gerald Mueller will redraft and circulate to the Task Force ground rules and a draft work plan.
- Gerald Mueller will invite participation on the Task Force by a representative of Mountain Water Company.
- Gerald Mueller and Mike McLane will identify any EQC members residing in the basin and will poll the Task Force about inviting them to serve as an ex officio Task Force member.
- Gerald Mueller will invite both Rich Moy and Director Mary Sexton to attend the next Task Force meeting.
- Mr. Mueller and Mr. McLane were asked to explore the possibility of a Watershed Assistance grant.

Public Comment

There was no public comment.

Next Meeting

The next meeting was scheduled for Monday, September 19, 2005 in Helena at a location to be determined.